

**FOR THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**DEREJE EKUBAMICAEL,** §  
§  
**PLAINTIFF,** §  
§  
§  
VS. § **CIVIL ACTION NO.** \_\_\_\_\_  
§  
§  
§  
**DALTON ZANE SMITH AND TERRY** §  
**SATCHELL CREEK EXPRESS INC.,** §  
§  
**DEFENDANT.** §

**DEFENDANTS' NOTICE OF REMOVAL**

**I. INTRODUCTION**

Pursuant to 28 U.S.C. § 1441, *et seq.*, this civil action is removed from the County Court at Law No. 4 of Dallas County, Texas, where this matter was pending under Cause No. CC-20-05156-d and styled *Dereje Ekubamicael v. Dalton Zane Smith and Satchell Creek Express, Inc.* (the “State Court Action”). Defendants hereby files their Notice of Removal.

**II. NATURE OF THE SUIT**

This case is a personal injury action in which Plaintiff alleges damages arising from a motor vehicle accident. Plaintiff seeks monetary relief in an amount “in excess of \$250,000 but no more than \$1,000,000.00.” *Plaintiff’s Original Petition*, p. 2.

**III. TIMELINESS OF REMOVAL**

Plaintiff commenced this lawsuit by filing its Original Petition on November 25, 2020. Defendants were served with the Original Petition on or about January 8, 2021. Defendants hereby file their Notice of Removal. Defendants’ removal is timely because it is filed within thirty days after the Defendants were served. 28 U.S.C. § 1446.

**IV. BASIS FOR REMOVAL JURISDICTION**

Removal is proper under 28 U.S.C. §§ 1441 and 1332(a)(1) because there is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds \$75,000.

Plaintiff is an Individual residing in Dallas County, Texas.

Defendant Dalton Zane Smith is now and was at the time of the filing of this action an Individual residing in Oklahoma.

Defendant Satchell Creek Express, Inc. is now and was at the time of the filing of this action a Kansas corporation with its principal place of business in Kansas.

**V. THIS NOTICE IS PROCEDURALLY CORRECT**

Defendant has attached to its Notice of Removal the documents required by 28 U.S.C. § 1446(a) and Local Rule 81.1(a)(4) as follows:

- A. Index of all documents that clearly identifies each document and indicates the date the documents was filed in state court;
- B. A copy of the docket sheet in the State Court Action.
- C. Each Document filed in the State Court Action.

This action may be removed to this Court pursuant to 28 U.S.C. § 1441(b), because Plaintiff is a Texas Resident and no Defendant is a citizen of Texas, the state in which the action was brought. This action is removable to this Court because this United States District Court and Division embraces the place where the State Court Action was pending. 28 U.S.C. §§ 124(c)(6), 1441(a).

In accordance with 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to all parties and Defendants have provided to the Clerk of the County Court of Law No. 4 of Dallas County, Texas, its Notice of Removal.

**VI. JURY TRIAL**

Defendants hereby request that this matter be set for jury trial.

**VII. CONCLUSION**

Since diversity jurisdiction exists over Plaintiff's claim as set forth herein, Defendants desire and are entitled to remove the lawsuit filed in in the County Court at Law No. 4 of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division.

**WHEREFORE, PREMISES CONSIDERED,** Defendants Dalton Zane Smith and Satchell Creek Express, Inc., pursuant to and in conformance with the statutory requirements, removes this action from the County Court at Law No. 4 of Dallas County, Texas, to this Court. Defendants pray that Plaintiff take nothing by this suit; and that Defendants go hence without delay and recover all costs expended in Defendants' behalf. Praying further, Defendants pray for such other and further relief, either at law or in equity, to which Defendants may be justly entitled.

Respectfully submitted,

**CHAMBLEE RYAN, P.C.**

*/s/ William H. Chamblee*

By: \_\_\_\_\_

William H. Chamblee  
State Bar No. 04086100  
[wchamblee@cr.law](mailto:wchamblee@cr.law)  
O. Luke Davis, III  
State Bar No. 05532700  
[ldavis@cr.law](mailto:ldavis@cr.law)

2777 Stemmons Freeway, Suite 1257  
Dallas, Texas 75207  
(214) 905-2003  
(214) 905-1213 (Facsimile)

**ATTORNEYS FOR DEFENDANTS**  
**Dalton Zane Smith & Satchell Creek Express Inc.**

**CERTIFICATE OF SERVICE**

I do hereby certify that on February 2, 2021 a true and correct copy of the above and foregoing document has been served via the

*/s/ William H. Chamblee*

\_\_\_\_\_  
William H. Chamblee

# EXHIBIT A

**NOTICE OF FILING OF NOTICE OF REMOVAL FROM THE COUNTY COURT AT  
LAW NO. 4, DALLAS COUNTY, TEXAS, TO THE UNITED STATES DISTRICT  
COURT FOR THE NORTHERN DISTRICT OF TEXAS**

**INDEX**

EXHIBIT	NAME OF DOCUMENT	DATE
A.	<b>Index</b>	02.02.2021
B.	<b>Docket Sheet from State Court</b>	02.02.2021
C.	<b>Process of Service Documents</b> <ul style="list-style-type: none"><li>• Issue of Citation – Dalton Zane Smith</li><li>• Issue of Citation – Satchell Creek Express, Inc.</li></ul> <b>Pleadings</b> <ul style="list-style-type: none"><li>• Plaintiff's Original Petition</li><li>• Defendants' Original Answer w/ Jury Demand</li></ul>	12.01.2020 12.01.2020  11.25.2020 01.27.2021
D.	<b>Certificate of Interest Persons</b>	02.02.2021

# EXHIBIT B

## Case Information

CC-20-05156-D | DEREJE EKUBAMICAEL vs. DALSON ZANE SMITH, SATCHELL CREEK EXPRESS INC

Case Number	Court	Judicial Officer
CC-20-05156-D	County Court at Law No. 4	ROSALES, PAULA
File Date	Case Type	Case Status
11/25/2020	DAMAGES (COLLISION)	OPEN

## Party

PLAINTIFF  
EKUBAMICAEL, DEREJE

Active Attorneys ▾  
Lead Attorney  
SAMPSON, EDWARD W  
Retained

DEFENDANT  
SMITH, DALSON ZANE

Address  
931 S MCCLENDON AVENUE  
ATOKA OK 74525

DEFENDANT  
SATCHELL CREEK EXPRESS INC

Address  
SERVE REGISTERED AGENT SUSAN WILLIAMS  
10756 SE SATCHELL CREEK ROAD  
LEON KS 67074

## Events and Hearings

11/25/2020 NEW CASE FILED (OCA)

11/25/2020 ORIGINAL PETITION ▾

PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES

Comment

PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES

11/25/2020 ISSUE CITATION ▾

CITATION

CITATION

Comment

ESERVE 48509474

12/01/2020 CITATION (SERVICE) ▾

Unserved

Anticipated Server

ATTORNEY

Anticipated Method

Unserved

Anticipated Server

ATTORNEY

Anticipated Method

01/27/2021 ORIGINAL ANSWER ▾

DEFENDANT'S ORIGINAL ANSWER

Comment

DEFENDANT'S ORIGINAL ANSWER

01/28/2021 JURY TRIAL DEMAND

**Financial**

EKUBAMICAEL, DEREJE

Total Financial Assessment	\$285.00
Total Payments and Credits	\$285.00

11/25/2020 Transaction Assessment \$285.00

11/25/2020 CREDIT CARD - TEXFILE Receipt # CV-2020- EKUBAMICAEL, (\$285.00)  
(CC) 12816 DEREJE

SMITH, DALSON ZANE

Total Financial Assessment	\$40.00
Total Payments and Credits	\$40.00

1/28/2021 Transaction Assessment \$40.00

1/28/2021 CREDIT CARD - TEXFILE Receipt # CV-2021- SMITH, DALSON (\$40.00)  
(CC) 00871 ZANE**Documents**

PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES

CITATION

CITATION

3 CCL#4 Y LETTER

DEFENDANT'S ORIGINAL ANSWER

# EXHIBIT C

**THE STATE OF TEXAS  
CITATION**

CAUSE NO. CC-20-05156-D  
COUNTY COURT AT LAW NO. 4  
Dallas County, Texas

**TO:**

**DALSON ZANE SMITH  
931 S MCCLENDON AVENUE  
ATOKA OK 74525**

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 4 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

**DEREJE EKUBAMICAEL  
*Plaintiff(s)***

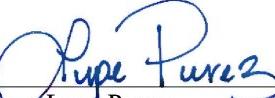
**VS.**

**DALSON ZANE SMITH; SATCHELL CREEK EXPRESS INC  
*Defendant(s)***

filed in said Court on the 11/25/20a copy of which accompanies this citation.

**WITNESS: JOHN F. WARREN**, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 1st day of December, 2020 A.D.

JOHN F. WARREN, Dallas County Clerk

By  Deputy  
Lupe Perez



**ATTORNEY**  
**CITATION**  
**PLAINTIFF'S ORIGINAL PETITION WITH  
DISCLOSURES**

**CC-20-05156-D**

IN THE COUNTY COURT OF DALLAS  
County Court at Law No. 4  
Dallas County, Texas

DEREJE EKUBAMICAEL, *Plaintiff(s)*

**VS.**

DALSON ZANE SMITH; SATCHELL  
CREEK EXPRESS INC, *Defendant(s)*

**SERVE:**

**DALSON ZANE SMITH  
931 S MCCLENDON AVENUE  
ATOKA OK 74525**

**ISSUED THIS  
1ST DAY OF DECEMBER, 2020**

JOHN F. WARREN, COUNTY CLERK  
BY: LUPE PEREZ, DEPUTY

Attorney for Plaintiff

EDWARD W SAMPSON  
4851 LBJ FREEWAY  
SUITE 710  
DALLAS TX 75244  
214-880-1789

**NO OFFICER'S FEES HAVE BEEN  
COLLECTED BY DALLAS COUNTY CLERK**

**OFFICER'S RETURN**

CC-20-05156-D County Court at Law No. 4

DEREJE EKUBAMICAE vs. DALSON ZANE SMITH, SATCHELL CREEK EXPRESS INC

**ADDRESS FOR SERVICE:**  
931 S MCCLENDON AVENUE  
ATOKA OK 74525

**Fees:**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m., and executed in \_\_\_\_\_ County, Texas by delivering to DALSON ZANE SMITH in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES with the date and service at the following times and places to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse

And not executed as to the defendant(s), \_\_\_\_\_

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

Serving Petition and Copy      \$ \_\_\_\_\_, Officer

Total    \$ \_\_\_\_\_, County, Texas

By: \_\_\_\_\_, Deputy

\_\_\_\_\_ , Affiant

**THE STATE OF TEXAS  
CITATION**

CAUSE NO. CC-20-05156-D  
COUNTY COURT AT LAW NO. 4  
Dallas County, Texas

**TO:**

SATCHELL CREEK EXPRESS INC  
SERVE REGISTERED AGENT SUSAN WILLIAMS  
10756 SE SATCHELL CREEK ROAD  
LEON KS 67074

"You have been sued. You may employ an attorney. If you or your Attorney do not file a WRITTEN ANSWER with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES, a default judgment may be taken against you." Your answer should be addressed to the clerk of County Court at Law No. 4 of Dallas County, Texas at the Court House of said County, 600 Commerce Street, Suite 101, Dallas, Texas 75202.

**DEREJE EKUBAMICAEL**  
*Plaintiff(s)*

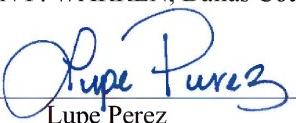
VS.

**DALSON ZANE SMITH; SATCHELL CREEK EXPRESS INC**  
*Defendant(s)*

filed in said Court on the 11/25/20a copy of which accompanies this citation.

**WITNESS: JOHN F. WARREN**, Clerk of the County Courts of Dallas County, Texas. GIVEN UNDER MY HAND AND SEAL OF OFFICE, at Dallas, Texas, and issued this 1st day of December, 2020 A.D.

JOHN F. WARREN, Dallas County Clerk

By , Deputy  
Lupe Perez



<b>ATTORNEY</b>
<b>CITATION</b>
<b>PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES</b>
<b>CC-20-05156-D</b>
IN THE COUNTY COURT OF DALLAS County Court at Law No. 4 Dallas County, Texas
DEREJE EKUBAMICAEL, <i>Plaintiff(s)</i>
VS.
DALSON ZANE SMITH; SATCHELL CREEK EXPRESS INC, <i>Defendant(s)</i>
<b>SERVE:</b>
SATCHELL CREEK EXPRESS INC SERVE REGISTERED AGENT SUSAN WILLIAMS 10756 SE SATCHELL CREEK ROAD LEON KS 67074
ISSUED THIS 1ST DAY OF DECEMBER, 2020
JOHN F. WARREN, COUNTY CLERK BY: LUPE PEREZ, DEPUTY
Attorney for Plaintiff
EDWARD W SAMPSON 4851 LBJ FREEWAY SUITE 710 DALLAS TX 75244 214-880-1789

NO OFFICER'S FEES HAVE BEEN  
COLLECTED BY DALLAS COUNTY CLERK

**OFFICER'S RETURN**

CC-20-05156-D County Court at Law No. 4

DEREJE EKUBAMICAE vs. DALSON ZANE SMITH, SATCHELL CREEK EXPRESS INC

**ADDRESS FOR SERVICE:**

SERVE REGISTERED AGENT SUSAN WILLIAMS  
10756 SE SATCHELL CREEK ROAD  
LEON KS 67074

**Fees:**

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m., and executed in \_\_\_\_\_ County, Texas by delivering to SATCHELL CREEK EXPRESS INC in person, a true copy of this Citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES with the date and service at the following times and places to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse

And not executed as to the defendant(s), \_\_\_\_\_

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

Serving Petition and Copy      \$\_\_\_\_\_ , Officer

Total    \$\_\_\_\_\_ , County, Texas

By:\_\_\_\_\_ , Deputy

\_\_\_\_\_ , Affiant

CC-20-05156-D

**CAUSE NO. \_\_\_\_\_**

DEREJE EKUBAMICAEL, § IN THE COUNTY COURT  
§  
*Plaintiff,* §  
§  
v. § AT LAW NO. \_\_\_\_\_  
§  
DALSON ZANE SMITH and §  
SATCHELL CREEK EXPRESS INC, §  
§  
*Defendants.* § DALLAS COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION WITH DISCLOSURES**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES Now, Plaintiff, Dereje Ekubamicael and files this his Petition complaining of Dalson Zane Smith and Satchell Creek Express Inc, Defendants, and for cause of action would respectfully show the following:

**I.**  
**DISCOVERY CONTROL PLAN**

1.01 Discovery in this matter is intended to be conducted under Level 2 of the Texas Rules of Civil Procedure.

**II.**  
**PARTIES AND VENUE**

2.01 Plaintiff, DEREJE EKUBAMICAEL, is an individual who resides in Dallas County, Texas.

2.02 Defendant, DALSON ZANE SMITH, is an Oklahoma resident and may be served with process at his address located at 931 S McClendon Avenue, Atoka, Oklahoma 74525.

2.03 Defendant, SATCHELL CREEK EXPRESS INC, is a Kansas corporation doing business in the State of Texas and may be served with process by serving its registered agent, Susan Williams at 10756 SE Satchell Creek Road, Leon, Kansas, 67074.

2.04 Venue is proper in Dallas County because the collision made the basis of this lawsuit occurred in Dallas County. All damages sought by Plaintiff are within the jurisdictional limits of this Court. Plaintiff seeks monetary relief of over \$250,000 but no more than \$1,000,000.

**III.**  
**FACTS**

3.01 On or about April 19, 2019, Plaintiff was travelling on IH 35E and was slowing down due to traffic, when Defendant Smith suddenly and unexpectedly drove his vehicle into Plaintiff's vehicle. As a result of the collision, Plaintiff sustained injuries as described herein.

3.02 As a direct and proximate result thereof, Plaintiff sustained physical injuries and other damages which are set forth in more detail below.

**IV.**  
**NEGLIGENCE**

4.01 Defendant Smith was negligent in the following respects, among others:

- a. by failing to keep a proper look;
- b. by failing to control his speed;
- c. by failing to timely apply his brakes;
- d. by failing to maintain a safe and clear distance;
- e. by driving his car into Plaintiff's vehicle;
- f. by failing to operate his vehicle in an ordinary and prudent manner.

4.02 As a direct and proximate result of Defendant Smith aforementioned actions and omissions, Plaintiff has sustained severe and permanent physical injuries and other damages set forth in more detail below.

4.03 Defendant Satchell Creek Express Inc was negligent under the theory of respondeat superior. At all times referenced, herein Defendant Smith was working as an employee or agent of Satchell Creek Express Inc. Defendant Satchell Creek Express Inc was further negligent in that it negligently trained and entrusted the vehicle to Defendant Smith.

**V.**

**DAMAGES TO PLAINTIFF**

5.01 As a direct and proximate result of the negligence of Defendants, Plaintiff suffered injuries to his neck and back, among other areas of his body.

5.02 As a proximate result thereof, Plaintiff has incurred and suffered the following damages for which he seeks recovery.

- a. medical expenses in the past and future;
- b. impairment in the past and future;
- c. pain, suffering and mental anguish in the past;
- d. pain, suffering and mental anguish in the future;
- e. prejudgment and postjudgment interest;
- f. costs of suit;
- g. all other relief, in law and in equity, to which Plaintiff may be entitled.

**VI.**

**INTENT TO USE DEFENDANT'S DOCUMENTS**

6.01 Any document produced by Defendants in response to written discovery will be used by Plaintiff at any pretrial proceeding or trial.

**VII.**  
**REQUEST FOR DISCLOSURE**

7.01 Pursuant to TRCP 194.2, Plaintiff's request that Defendants produce the material outlined and identified in Rule 194.2 Request for Disclosures.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays that Defendants be cited to appear and answer herein and upon final trial hereof, he take, have and recover, of and from said Defendants, the above damages, costs of court, pre-judgment interest, post-judgment interest, and for such other and further relief to which he may show himself to be justly entitled.

Respectfully submitted,

**LAW OFFICES OF EDWARD W. SAMPSON, PC**



---

Edward W. Sampson  
State Bar No. 90001985  
4851 LBJ Freeway, Suite 710  
Dallas, Texas 75244  
(214) 880-1789  
(214) 220-1233 (facsimile)  
sampsonefile@gmail.com

**ATTORNEY FOR PLAINTIFF**

**CAUSE NO. CC-20-05156-D**

**DEREJE EKUBAMICAELO,**§** IN THE COUNTY COURT**  
**PLAINTIFF,**§****  
**VS.**§** AT LAW NO. 4**  
**DALTON ZANE SMITH AND**§****  
**SATCHELL CREEK EXPRESS INC.,**§****  
**DEFENDANTS.**§** DALLAS COUNTY, TEXAS**

**DEFENDANTS DALTON ZANE SMITH AND SATCHELL CREEK EXPRESS INC.'S**  
**ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION**  
**AND DEMAND FOR JURY TRIAL**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COME NOW**, Dalton Zane Smith and Satchell Creek Express Inc., Defendants in the above-styled and numbered cause, and files this, their Original Answer to Plaintiff's Original Petition and Demand for Jury Trial, and would respectfully show the Court the following:

**I.**

**GENERAL DENIAL**

Defendants generally deny each and every, all and singular, the material allegations contained in the Plaintiff's Original Petition and, being allegations of fact, demand that the Plaintiff be required to prove such allegations by a preponderance of the evidence if the Plaintiff can so do.

**II.**

**DEMAND FOR JURY TRIAL**

Defendants hereby demand a trial by jury and submit the appropriate jury fee.

**III.**

Defendants request a Level III Discovery Plan.

**WHEREFORE, PREMISES CONSIDERED,** Defendants pray that Plaintiff takes nothing by this suit; and that Defendants go hence without delay and recover all costs expended in Defendants' behalf. Praying further, Defendants pray for such other and further relief, either at law or in equity, to which Defendants may be justly entitled.

Respectfully submitted,

**CHAMBLEE RYAN, P.C.**

*William H. Chamblee*

By: \_\_\_\_\_

William H. Chamblee  
State Bar No. 04086100  
[wchamblee@cr.law](mailto:wchamblee@cr.law)  
O. Luke Davis, III  
State Bar No. 05532700  
[ldavis@cr.law](mailto:ldavis@cr.law)

2777 Stemmons Freeway, Suite 1257  
Dallas, Texas 75207  
(214) 905-2003  
(214) 905-1213 (Facsimile)  
**ATTORNEY FOR DEFENDANTS**  
**Dalton Zane Smith and Satchell Creek Express**  
**Inc.**

**CERTIFICATE OF SERVICE**

I do hereby certify that on January 27, 2021 a true and correct copy of the above and foregoing document has been served via the court's e-file/e-service system to all counsel of record.

*William H. Chamblee*

\_\_\_\_\_  
William H. Chamblee

# EXHIBIT D

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

---

Plaintiff

v.

---

Civil Action No.

---

Defendant

**CERTIFICATE OF INTERESTED PERSONS**

(This form also satisfies Fed. R. Civ. P. 7.1)

Pursuant to Fed. R. Civ. P. 7.1 and LR 3.1(c), LR 3.2(e), LR 7.4, LR 81.1(a)(4)(D), and LR 81.2,

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provides the following information:

For a nongovernmental corporate party, the name(s) of its parent corporation and any publicly held corporation that owns 10% or more of its stock (if none, state "None"):

**\*Please separate names with a comma. Only text visible within box will print.**

A complete list of all persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case:

**\*Please separate names with a comma. Only text visible within box will print.**

Date: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Bar Number: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-Mail: \_\_\_\_\_